

DEPARTMENT OF HOMELAND SECURITY

CHARTER

MERCHANT MARINE PERSONNEL ADVISORY COMMITTEE

Purpose. This Charter establishes and sets forth the operating procedures of the Merchant Marine Personnel Advisory Committee (MERPAC) in accordance with the Federal Advisory Committee Act, as amended, 5 U.S.C. App. 2 (FACA). MERPAC shall serve as a deliberative body to advise the Secretary of Homeland Security, via the Commandant, U.S. Coast Guard, on matters relating to the training, qualification, licensing, certification and fitness of seamen serving in the U.S. merchant marine.

Scope and Objectives. MERPAC shall act solely in an advisory capacity. MERPAC will advise, consult with, and make recommendations reflecting its independent judgment to the Secretary, via the Commandant, on matters concerning personnel in the U.S. merchant marine, including but not limited to training, qualifications, certification, documentation, and fitness standards.

MERPAC will be responsible for specific assignments and may conduct studies, inquiries, workshops and seminars in consultation with individuals and groups in the private sector and/or state and local government jurisdictions.

Duration. Continuing.

Official to Whom MERPAC Reports. MERPAC will report to the Secretary of Homeland Security through its Sponsor, normally by means of a copy of the minutes of the meeting which shall include the resolutions or recommendations adopted by MERPAC.

Sponsor and Agency Providing Support. The Assistant Commandant, Marine Safety, Security, and Environmental Protection serves as Sponsor for MERPAC and shall designate an Executive Director. The Executive Director manages MERPAC affairs and will provide necessary administrative support.

Membership. MERPAC shall consist of not more than nineteen (19) members who shall be appointed by the Secretary of Homeland Security. To assure a balanced representation, members shall be chosen, insofar as practicable, from the following groups:

a. Nine active U.S. merchant mariners, including:

(1) Three deck officers, two of whom shall be licensed for oceans any gross tons, one of whom shall be licensed for inland or river route with a limited or unlimited tonnage, two of whom must have a master's license or a master of towing vessels license, and one of whom must have significant tanker experience; and, to the extent practicable, one of these deck officers should represent the point of view of labor and another should represent a management perspective;

(2) Three engineering officers, two of whom shall be licensed as chief engineer any horsepower, one of whom shall be licensed as either a limited chief engineer or a designated duty engineer; and, to the extent practicable, one of these engineers should represent a labor point of view and another should represent a management perspective;

(3) Two unlicensed seamen, including one Able Bodied Seaman, and one Qualified Member of the Engine Department; and

(4) One Pilot.

b. Six Marine Educators, including:

(1) Three from Maritime Academies, two of whom should be associated with State Maritime Academies; and

(2) Three from other maritime training institutions, one of whom should be associated with the small vessel industry.

c. Two individuals from shipping companies employed in ship operation management.

d. Two from the general public.

Additional persons may be appointed by the Chair to subcommittees of the Committee to assist it in the performance of its functions.

The Secretary of the Army, the Secretary of the Navy and the Maritime Administrator are authorized and encouraged to each designate a representative to participate as an observer on MERPAC.

To ensure that the recommendations of the committee have taken into account the needs of diverse groups served by the Department, membership shall include, to the extent practicable, individuals and/or organizations to represent minorities, women and persons with disabilities.

Term of Office. Each member shall hold office for a term of three years, except that:

a. Any member appointed to fill a vacancy prior to expiration of the term for which his/her predecessor was appointed shall be appointed for the remainder of such term; and

b. The term of any member may be extended until the date on which the successor's appointment is effective.

No member shall hold more than two consecutive three-year terms.

The terms of the members will be staggered, with approximately one-third of the terms expiring each year.

Removal. The Commandant of the Coast Guard may remove from MERPAC any member who fails to attend two consecutive meetings.

A member may be removed upon personal request.

MERPAC Officers. The Commandant may designate one of the members of MERPAC as the Chair and one of the members as the Vice-Chair. The Chair is responsible for the management of MERPAC and the conduct of all MERPAC activities. The Vice-Chair will act as Chair in the absence or incapacity of the Chair, or in the event of a vacancy in the office of the Chair.

Meetings. MERPAC will meet only at the call of or with the advance approval of the Executive Director.

MERPAC will meet not less often than once during each calendar year.

Each meeting shall be open to the public.

Each meeting shall be conducted in the presence of the Executive Director or designated acting Executive Director, who shall have the authority to adjourn the meeting for any reasonable cause.

Timely notice of each meeting shall be published in the Federal Register.

Interested persons shall be permitted to appear before or file statements with MERPAC subject to reasonable time and space limitations of the meeting.

The Chair may, after consulting with MERPAC in open session, impose a time limit on the discussion of specific topics, on the interventions by MERPAC members during discussion of a specific topic, or on statements made by non-members.

Robert's Rules of Order (revised), as interpreted by the Chair, are the parliamentary authority for MERPAC meetings in all cases not otherwise specified in this Charter or agreed to by MERPAC members.

Compensation for Members. MERPAC members will not be compensated for their services but, upon their request, may be reimbursed for travel expenses, subsistence and accommodations as allowed by current regulations. Subcommittee members who are not members of MERPAC will not be compensated for their services, nor will they be reimbursed for travel expenses, subsistence, or accommodations.

Quorum and Voting. A quorum at meetings exists when at least one half of the appointed members and the Executive Director or acting Executive Director are present.

In voting at meetings, the majority vote of members present prevails.

Minutes. Summary minutes of each meeting of MERPAC shall be prepared and shall contain, at a minimum, a record of persons present, a summary of matters discussed, and the text of any resolutions or recommendations adopted by MERPAC with a record of any votes which may have been taken. The minutes shall be signed by the Executive Director or acting Executive Director, and by the Chair.

Subcommittees. The Chair is authorized to establish temporary subcommittees to perform specific assignments, with the approval of the sponsor. The Chair may appoint subcommittee members from either the Committee or the public. The subcommittee chair shall be a Committee member. Recording or videotaping of working group meetings may only be performed by the Sponsor, Executive Director, or their designee.

Operating Costs. The annual operating cost for MERPAC is estimated to be \$31,000 and .5 staff year.

Filing Date. 22MAR2004. This Charter expires two years from this date unless extended or terminated sooner.